

Senate File 354

SENATE FILE _____
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SF 312)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act implementing the federal Indian Child Welfare Act.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
3 TLSB 1964SV 80
4 jp/cf/24

PAG LIN

1 1 Section 1. NEW SECTION. 232.7 IOWA INDIAN CHILD WELFARE
1 2 ACT.

1 3 1. If a proceeding held under this chapter involves an
1 4 Indian child as defined in section 232B.3 and the proceeding
1 5 is subject to the Iowa Indian child welfare Act under chapter
1 6 232B, the proceeding and other actions taken in connection
1 7 with the proceeding or this chapter shall comply with chapter
1 8 232B.

1 9 2. In any proceeding held or action taken under this
1 10 chapter involving an Indian child, the applicable requirements
1 11 of the federal Adoption and Safe Families Act of 1999, Pub. L.
1 12 No. 105-89, shall be applied to the proceeding or action in a
1 13 manner that complies with chapter 232B and the federal Indian
1 14 Child Welfare Act, Pub. L. No. 95-608.

1 15 Sec. 2. NEW SECTION. 232B.1 SHORT TITLE.

1 16 This chapter shall be known and may be cited as the "Iowa
1 17 Indian Child Welfare Act".

1 18 Sec. 3. NEW SECTION. 232B.2 PURPOSE == POLICY OF STATE.

1 19 The purpose of the Iowa Indian child welfare Act is to
1 20 clarify state policies and procedures regarding implementation
1 21 of the federal Indian Child Welfare Act, Pub. L. No. 95-608,
1 22 as codified in 25 U.S.C. chapter 21. It is the policy of the
1 23 state to cooperate fully with Indian tribes and tribal
1 24 citizens in Iowa in order to ensure that the intent and
1 25 provisions of the federal Indian Child Welfare Act are
1 26 enforced. This cooperation includes recognition by the state
1 27 that Indian tribes have a continuing and compelling
1 28 governmental interest in an Indian child whether or not the
1 29 child is in the physical or legal custody of an Indian parent,
1 30 Indian custodian, or an Indian extended family member at the
1 31 commencement of a child custody proceeding or the child has
1 32 resided or domiciled on an Indian reservation. The state is
1 33 committed to protecting the essential tribal relations and
1 34 best interest of an Indian child by promoting practices, in
1 35 accordance with the federal Indian Child Welfare Act and other
2 1 applicable law, designed to prevent the child's voluntary or
2 2 involuntary out-of-home placement and, whenever such placement
2 3 is necessary or ordered, by placing the child, whenever
2 4 possible, in a foster home, adoptive home, or other type of
2 5 custodial placement that reflects the unique values of the
2 6 child's tribal culture and is best able to assist the child in
2 7 establishing, developing, and maintaining a political,
2 8 cultural, and social relationship with the child's tribe and
2 9 tribal community.

2 10 Sec. 4. NEW SECTION. 232B.3 DEFINITIONS.

2 11 For the purposes of this chapter unless the context
2 12 otherwise requires:

2 13 1. "Adoptive placement" means the permanent placement of
2 14 an Indian child for adoption including, but not limited to,
2 15 any action under chapter 232, 600, or 600A resulting in a
2 16 final decree of adoption. "Adoptive placement" does not
2 17 include a placement based upon an act by an Indian child
2 18 which, if committed by an adult, would be deemed a crime, or
2 19 upon an award, in a divorce proceeding, of custody to one of
2 20 the child's parents.

2 21 2. "Best interest of the child" means the use of practices
2 22 in accordance with the federal Indian Child Welfare Act, this
2 23 chapter, and other applicable law, that are designed to

2 24 prevent the Indian child's voluntary or involuntary out-of=
2 25 home placement, and whenever such placement is necessary or
2 26 ordered, placing the child, to the greatest extent possible,
2 27 in a foster home, adoptive placement, or other type of
2 28 custodial placement that reflects the unique values of the
2 29 child's tribal culture and is best able to assist the child in
2 30 establishing, developing, and maintaining a political,
2 31 cultural, and social relationship with the Indian child's
2 32 tribe and tribal community.

2 33 3. "Child custody proceeding" means a voluntary or
2 34 involuntary proceeding that may result in an Indian child's
2 35 adoptive placement, foster care placement, preadoptive
3 1 placement, or termination of parental rights.

3 2 4. "Foster care placement" means the temporary placement
3 3 of an Indian child in an individual or agency foster care
3 4 placement or in the personal custody of a guardian or
3 5 conservator prior to the termination of parental rights, from
3 6 which the child cannot be returned upon demand to the custody
3 7 of the parent or Indian custodian but there has not been a
3 8 termination of parental rights. "Foster care placement" does
3 9 not include a placement based upon an act by an Indian child
3 10 which, if committed by an adult, would be deemed a crime, or
3 11 upon an award, in a divorce proceeding, of custody to one of
3 12 the child's parents.

3 13 5. "Indian" means a person who is a member of an Indian
3 14 tribe, or is eligible for membership in an Indian tribe, or
3 15 who is an Alaska native and a member of a regional corporation
3 16 as defined in 43 U.S.C. } 1606.

3 17 6. "Indian child" or "child" means an unmarried Indian
3 18 person who is under eighteen years of age or a child who is
3 19 under eighteen years of age that an Indian tribe identifies as
3 20 a child of the tribe's community.

3 21 7. "Indian child's family" or "extended family member"
3 22 means an adult person who is an Indian child's family member
3 23 or extended family member under the law or custom of the
3 24 Indian child's tribe or, in absence of such law or custom, an
3 25 adult person who has any of the following relationships with
3 26 the Indian child:

- 3 27 a. Parent.
- 3 28 b. Sibling.
- 3 29 c. Grandparent.
- 3 30 d. Aunt or uncle.
- 3 31 e. Cousin.
- 3 32 f. Clan member.
- 3 33 g. Band member.
- 3 34 h. Brother-in-law.
- 3 35 i. Sister-in-law.
- 4 1 j. Niece.
- 4 2 k. Nephew.
- 4 3 l. Stepparent.

4 4 8. "Indian child's tribe" means a tribe in which an Indian
4 5 child is a member or eligible for membership.

4 6 9. "Indian custodian" means an Indian person who under
4 7 tribal law, tribal custom, or state law, has legal or
4 8 temporary physical custody of an Indian child.

4 9 10. "Indian organization" means any of the following
4 10 entities that is owned or controlled by Indians, or a majority
4 11 of the members are Indians:

- 4 12 a. A group.
- 4 13 b. An association.
- 4 14 c. A partnership.
- 4 15 d. A corporation.
- 4 16 e. Other legal entity.

4 17 11. "Indian tribe" or "tribe" means an Indian tribe, band,
4 18 nation, or other organized Indian group, or a community of
4 19 Indians, including any Alaska native village as defined in 43
4 20 U.S.C. } 1602(c) recognized as eligible for services provided
4 21 to Indians by the United States secretary of the interior
4 22 because of the community members' status as Indians.

4 23 12. "Parent" means a biological parent of an Indian child
4 24 or a person who has lawfully adopted an Indian child,
4 25 including adoptions made under tribal law or custom. "Parent"
4 26 does not include an unwed father whose paternity has not been
4 27 acknowledged or established. Except for purposes of the
4 28 federal Indian Child Welfare Act as codified in 25 U.S.C. }
4 29 1913(b), (c), and (d), 1916, 1917, and 1951, "parent" does not
4 30 include a person whose parental rights to that child have been
4 31 terminated.

4 32 13. "Preadoptive placement" means the temporary placement
4 33 of an Indian child in an individual or agency foster care
4 34 placement after the termination of parental rights, but prior

4 35 to or in lieu of an adoptive placement. "Preadoptive
5 1 placement" does not include a placement based upon an act by
5 2 an Indian child which, if committed by an adult, would be
5 3 deemed a crime, or upon an award, in a divorce proceeding, of
5 4 custody to one of the child's parents.

5 5 14. "Reservation" means Indian country as defined in 18
5 6 U.S.C. } 1151 or land that is not covered under that
5 7 definition but the title to which is either held by the United
5 8 States in trust for the benefit of an Indian tribe or Indian
5 9 person or held by an Indian tribe or Indian person subject to
5 10 a restriction by the United States against alienation.

5 11 15. "Secretary of the interior" means the secretary of the
5 12 United States department of the interior.

5 13 16. "Termination of parental rights" means any action
5 14 resulting in the termination of the parent-child relationship.
5 15 "Termination of parental rights" does not include a placement
5 16 based upon an act by an Indian child which, if committed by an
5 17 adult, would be deemed a crime, or upon an award, in a divorce
5 18 proceeding, of custody to one of the child's parents.

5 19 17. "Tribal court" means a court or body vested by an
5 20 Indian tribe with jurisdiction over child custody proceedings,
5 21 including but not limited to a federal court of Indian
5 22 offenses, a court established and operated under the code or
5 23 custom of an Indian tribe, or an administrative body of an
5 24 Indian tribe vested with authority over child custody
5 25 proceedings.

5 26 Sec. 5. NEW SECTION. 232B.4 APPLICATION OF CHAPTER ==
5 27 EXEMPTIONS == DETERMINATION OF INDIAN STATUS.

5 28 1. This chapter applies to child custody proceedings
5 29 involving an Indian child whether the child is in the physical
5 30 or legal custody of an Indian parent, Indian custodian, or an
5 31 Indian extended family member or another person at the
5 32 commencement of the proceedings or whether the child has
5 33 resided or domiciled on or off an Indian reservation.

5 34 2. The court shall require a party seeking the foster care
5 35 placement of, termination of parental rights over, or the
6 1 adoption of, an Indian child to seek to determine whether the
6 2 child is an Indian child through contact with any Indian tribe
6 3 in which the child may be a member or eligible for membership,
6 4 the child's parent, any person who has custody of the child or
6 5 with whom the child resides, and any other person that
6 6 reasonably can be expected to have information regarding the
6 7 child's possible membership or eligibility for membership in
6 8 an Indian tribe, including but not limited to the United
6 9 States department of the interior.

6 10 3. A written determination by an Indian tribe that a child
6 11 is a member of or eligible for membership in that tribe, or
6 12 testimony attesting to such status by a person authorized by
6 13 the tribe to provide that determination, shall be conclusive.
6 14 A written determination by an Indian tribe, or testimony by a
6 15 person authorized by the tribe to provide that determination
6 16 or testimony, that a child is not a member of or eligible for
6 17 membership in that tribe shall be conclusive as to that tribe.
6 18 If an Indian tribe does not provide evidence of the child's
6 19 status as an Indian child, the court shall determine the
6 20 child's status.

6 21 4. The determination of the Indian status of a child shall
6 22 be made as soon as practicable in order to serve the best
6 23 interest of the child and to ensure compliance with the notice
6 24 requirements of this chapter.

6 25 Sec. 6. NEW SECTION. 232B.5 INDIAN CHILD CUSTODY
6 26 PROCEEDINGS == JURISDICTION == NOTICE == TRANSFER OF
6 27 PROCEEDINGS.

6 28 1. An Indian tribe has jurisdiction exclusive as to this
6 29 state over any child custody proceeding held in this state
6 30 involving an Indian child who resides or is domiciled within
6 31 the reservation of that tribe, except when the jurisdiction is
6 32 otherwise vested in this state by existing federal law. If an
6 33 Indian child is a ward of a tribal court, the Indian tribe
6 34 shall retain exclusive jurisdiction, notwithstanding the
6 35 residence or domicile of the child.

7 1 2. The federal Indian Child Welfare Act and this chapter
7 2 are applicable without exception in any child custody
7 3 proceeding involving an Indian child. A state court does not
7 4 have discretion to determine the applicability of the federal
7 5 Indian Child Welfare Act or this chapter to a child custody
7 6 proceeding based upon whether an Indian child is part of an
7 7 existing Indian family.

7 8 3. In a child custody proceeding, the court or any party
7 9 to the proceeding shall be deemed to know or have reason to
7 10 know that an Indian child is involved whenever any of the

7 11 following circumstances exist:

7 12 a. A party to the proceeding or the court has been
7 13 informed by any interested person, an officer of the court, a
7 14 tribe, an Indian organization, a public or private agency, or
7 15 a member of the child's extended family that the child is or
7 16 may be an Indian child.

7 17 b. The child who is the subject of the proceeding gives
7 18 the court reason to believe the child is an Indian child.

7 19 c. The court or a party to the proceeding has reason to
7 20 believe the residence or domicile of the child is in a
7 21 predominantly Indian community.

7 22 4. In any involuntary child custody proceeding, including
7 23 review hearings following an adjudication, the court shall
7 24 establish in the record that the party seeking the foster care
7 25 placement of, or termination of parental rights over, or the
7 26 adoption of an Indian child has sent notice by registered
7 27 mail, return receipt requested, to all of the following:

7 28 a. The child's parents.

7 29 b. The child's Indian custodians.

7 30 c. Any tribe in which the child may be a member or
7 31 eligible for membership.

7 32 5. If the identity or location of the child's parent,
7 33 Indian custodian, or tribe cannot be determined, the notice
7 34 under subsection 4 shall be provided to the secretary of the
7 35 interior, who shall have fifteen days after receipt of the
8 1 notice to provide the notice to the child's parent, Indian
8 2 custodian, and tribe. A foster care placement or termination
8 3 of parental rights proceeding involving the child shall not be
8 4 held until at least ten days after receipt of notice by the
8 5 child's parent, Indian custodian, and tribe, or the secretary
8 6 of the interior. Upon request, the child's parent or Indian
8 7 custodian or tribe shall be granted up to twenty additional
8 8 days after receipt of the notice to prepare for the
8 9 proceeding.

8 10 6. The court shall also establish in the record that a
8 11 notice of any involuntary custody proceeding has been sent to
8 12 the Indian child's tribe. The tribe may provide notice of the
8 13 proceeding to any of the child's extended family members.

8 14 7. The notice in any involuntary child custody proceeding
8 15 involving an Indian child shall be written in clear and
8 16 understandable language and shall include all of the following
8 17 information:

8 18 a. The name and tribal affiliation of the Indian child.

8 19 b. A copy of the petition by which the proceeding was
8 20 initiated.

8 21 c. A statement listing the rights of the child's parents,
8 22 Indian custodians, and tribes and, if applicable, the rights
8 23 of the Indian child's family. The rights shall include all of
8 24 the following:

8 25 (1) The right to intervene in the proceeding.

8 26 (2) The right to petition the court to transfer the
8 27 proceeding to the tribal court of the Indian child's tribe.

8 28 (3) The right to be granted up to an additional twenty
8 29 days from the receipt of the notice to prepare for the
8 30 proceeding.

8 31 (4) The right to request that the court grant further
8 32 extensions of time.

8 33 (5) In the case of an extended family member, the right to
8 34 intervene and be considered as a preferred placement for the
8 35 child.

9 1 d. A statement of the potential legal consequences of an
9 2 adjudication on the future custodial rights of the child's
9 3 parents or Indian custodians.

9 4 e. A statement that if the parents or Indian custodians
9 5 are unable to afford counsel in an involuntary proceeding,
9 6 counsel will be appointed to represent the parents or
9 7 custodians.

9 8 f. A statement that the court may appoint counsel for the
9 9 child upon a finding that the appointment is in the best
9 10 interest of the child.

9 11 g. A statement that the information contained in the
9 12 notice, petition, pleading, and other court documents is
9 13 confidential.

9 14 h. A statement that the child's tribe may provide notice
9 15 of the proceeding to any of the child's extended family
9 16 members along with copies of other related documents.

9 17 8. In a voluntary child custody proceeding involving an
9 18 Indian child, including but not limited to a review hearing,
9 19 the court shall establish in the record that the party seeking
9 20 the foster care placement of, termination of parental rights
9 21 to, or the permanent placement of, an Indian child has sent

9 22 notice at least ten days prior to the hearing by registered
9 23 mail, return receipt requested, to all of the following:
9 24 a. The child's parents, except for a parent whose parental
9 25 rights have been terminated.
9 26 b. The child's Indian custodians, except for a custodian
9 27 whose parental or Indian custodian rights have been
9 28 terminated.
9 29 c. Any tribe in which the child may be a member or
9 30 eligible for membership.
9 31 9. The notice in a voluntary child custody proceeding
9 32 involving an Indian child shall be written in clear and
9 33 understandable language and shall include all of the following
9 34 information:
9 35 a. The name and tribal affiliation of the child.
10 1 b. A copy of the petition by which the proceeding was
10 2 initiated.
10 3 c. A statement listing the rights of the child's parents,
10 4 Indian custodians, Indian tribe or tribes, and, if applicable,
10 5 extended family members. The rights shall include all of the
10 6 following:
10 7 (1) The right to intervene in the proceeding.
10 8 (2) The right to petition the court to transfer a foster
10 9 care placement or termination of parental rights proceeding to
10 10 the tribal court of the Indian child's tribe.
10 11 (3) In the case of extended family members, the right to
10 12 intervene and be considered as a preferred placement for the
10 13 child.
10 14 d. A statement that the information contained in the
10 15 notice, petition, pleading, and any other court document shall
10 16 be kept confidential.
10 17 e. A statement that the child's tribe may provide notice
10 18 of the proceeding to any of the child's extended family
10 19 members along with copies of other related documents.
10 20 10. Unless either of an Indian child's parents objects, in
10 21 any child custody proceeding involving an Indian child who is
10 22 not domiciled or residing within the jurisdiction of the
10 23 Indian child's tribe, the court shall transfer the proceeding
10 24 to the jurisdiction of the Indian child's tribe, upon the
10 25 petition of any of the following persons:
10 26 a. Either of the child's parents.
10 27 b. The child's Indian custodian.
10 28 c. The child's tribe.
10 29 11. Notwithstanding entry of an objection to a transfer of
10 30 proceedings as described in subsection 10, the court shall
10 31 reject any objection that is inconsistent with the purposes of
10 32 this chapter, including but not limited to any objection that
10 33 would prevent maintaining the vital relationship between
10 34 Indian tribes and the tribes' children and would interfere
10 35 with the policy that the best interest of an Indian child
11 1 require that the child be placed in a foster or adoptive home
11 2 that reflects the unique values of Indian culture.
11 3 12. A transfer of proceedings under subsection 10 may be
11 4 declined by the tribal court of the Indian child's tribe. If
11 5 the tribal court declines to assume jurisdiction, the state
11 6 court shall reassume jurisdiction and shall apply all of the
11 7 following in any proceeding:
11 8 a. The requirements of the federal Indian Child Welfare
11 9 Act.
11 10 b. This chapter.
11 11 c. The applicable provisions of any agreement between the
11 12 Indian child's tribe and the state concerning the welfare,
11 13 care, and custody of Indian children.
11 14 13. If a petition to transfer proceedings as described in
11 15 subsection 10 is filed, the court shall find good cause to
11 16 deny the petition only if one or more of the following
11 17 circumstances are shown to exist:
11 18 a. The tribal court of the child's tribe declines the
11 19 transfer of jurisdiction.
11 20 b. The tribal court does not have subject matter
11 21 jurisdiction under the laws of the tribe or federal law.
11 22 c. Circumstances exist in which the evidence necessary to
11 23 decide the case cannot be presented in the tribal court
11 24 without undue hardship to the parties or the witnesses, and
11 25 the tribal court is unable to mitigate the hardship by making
11 26 arrangements to receive and consider the evidence or testimony
11 27 by use of remote communication, by hearing the evidence or
11 28 testimony at a location convenient to the parties or
11 29 witnesses, or by use of other means permitted in the tribal
11 30 court's rules of evidence or discovery.
11 31 d. An objection to the transfer is entered in accordance
11 32 with subsection 10.

11 33 14. The Indian child's tribe or tribes and Indian
11 34 custodian have the right to intervene at any point in any
11 35 foster care placement or termination of parental rights
12 1 proceeding involving the child. The Indian child's tribe
12 2 shall also have the right to intervene at any point in any
12 3 adoption proceeding involving the child. Any member of the
12 4 Indian child's family may intervene in an adoption proceeding
12 5 involving the child for the purpose of petitioning the court
12 6 for the adoptive placement of the child in accordance with the
12 7 order of preference provided for in this chapter.

12 8 15. The state shall give full faith and credit to the
12 9 public acts, records, judicial proceedings, and judgments of
12 10 any Indian tribe applicable to the Indian child custody
12 11 proceedings.

12 12 16. In any proceeding in which the court determines
12 13 indigency of the Indian child's parent or Indian custodian,
12 14 the parent or Indian custodian shall have the right to court=
12 15 appointed counsel in any removal, placement, or termination of
12 16 parental rights. The child shall also have the right to
12 17 court-appointed counsel in any removal, placement, termination
12 18 of parental rights, or other permanency proceedings.

12 19 17. Each party to a foster care placement or termination
12 20 of parental rights proceeding involving an Indian child shall
12 21 have the right to examine all reports or other documents filed
12 22 with the court upon which any decision with respect to the
12 23 proceeding may be based.

12 24 18. Any person or court involved in the foster care,
12 25 preadoptive placement, or adoptive placement of an Indian
12 26 child shall use the services of the Indian child's tribe or
12 27 tribes, whenever available through the tribe or tribes, in
12 28 seeking to secure placement within the order of placement
12 29 preference established in section 232B.9 and in the
12 30 supervision of the placement.

12 31 19. A party seeking an involuntary foster care placement
12 32 of or termination of parental rights over an Indian child
12 33 shall provide evidence to the court that active efforts have
12 34 been made to provide remedial services and rehabilitative
12 35 programs designed to prevent the breakup of the Indian family
13 1 and that these efforts have proved unsuccessful. The court
13 2 shall not order the placement or termination, unless the
13 3 evidence of active efforts shows there has been a vigorous and
13 4 concerted level of case work beyond the level that typically
13 5 constitutes reasonable efforts as defined in sections 232.57
13 6 and 232.102. Reasonable efforts shall not be construed to be
13 7 active efforts. The active efforts must be made in a manner
13 8 that takes into account the prevailing social and cultural
13 9 values, conditions, and way of life of the Indian child's
13 10 tribe. Active efforts shall utilize the available resources
13 11 of the Indian child's extended family, tribe, tribal and other
13 12 Indian social service agencies, and individual Indian
13 13 caregivers. Active efforts shall include but are not limited
13 14 to all of the following:

13 15 a. A request to the Indian child's tribe to convene
13 16 traditional and customary support and resolution actions or
13 17 services.

13 18 b. Identification and participation of tribally designated
13 19 representatives at the earliest point.

13 20 c. Consultation with extended family members to identify
13 21 family structure and family support services that may be
13 22 provided by extended family members.

13 23 d. Frequent visitation in the Indian child's home and the
13 24 homes of the child's extended family members.

13 25 e. Exhaustion of all tribally appropriate family
13 26 preservation alternatives.

13 27 f. Identification and provision of information to the
13 28 child's family concerning community resources that may be able
13 29 to offer housing, financial, and transportation assistance and
13 30 actively assisting the family in accessing the community
13 31 resources.

13 32 20. The state of Iowa recognizes that an Indian tribe may
13 33 contract with another Indian tribe for supervision regarding
13 34 placement, case management, and the provision of services to
13 35 an Indian child.

14 1 Sec. 7. NEW SECTION. 232B.6 EMERGENCY REMOVAL OF INDIAN
14 2 CHILD == FOSTER CARE PLACEMENT == TERMINATION OF PARENTAL
14 3 RIGHTS.

14 4 1. This chapter shall not be construed to prevent the
14 5 emergency removal of an Indian child who is a resident of or
14 6 is domiciled on an Indian reservation, but is temporarily
14 7 located off the reservation, or is away from the child's
14 8 parent or Indian custodian, or the emergency placement of such

14 9 child in a foster home or institution, under applicable state
14 10 law, in order to prevent imminent physical damage or harm to
14 11 the child. In a case of emergency removal of an Indian child,
14 12 regardless of residence or domicile of the child, the state
14 13 shall ensure that the emergency removal or placement
14 14 terminates immediately when the removal or placement is no
14 15 longer necessary to prevent imminent physical damage or harm
14 16 to the child and shall expeditiously initiate a child custody
14 17 proceeding subject to the provisions of this chapter, transfer
14 18 the child to the jurisdiction of the appropriate Indian tribe,
14 19 or restore the child to the child's parent or Indian
14 20 custodian, as may be appropriate.

14 21 2. Within three business days following the issuance of an
14 22 order of emergency removal or placement of an Indian child,
14 23 the court issuing the order shall notify the Indian child's
14 24 tribe of the emergency removal or placement by registered
14 25 mail, return receipt requested. The notice shall include the
14 26 court order, the petition, if applicable, any information
14 27 required by this chapter, and a statement informing the
14 28 child's tribe of the tribe's right to intervene in the
14 29 proceeding.

14 30 3. A motion, application, or petition commencing an
14 31 emergency or temporary removal under section 232.79 or 232.95
14 32 or foster care placement proceeding under chapter 232
14 33 involving an Indian child shall be accompanied by all of the
14 34 following:

14 35 a. An affidavit containing the names, tribal affiliations,
15 1 and addresses of the Indian child, and of the child's parents
15 2 and Indian custodians.

15 3 b. A specific and detailed account of the circumstances
15 4 supporting the removal of the child.

15 5 c. All reports or other documents from each public or
15 6 private agency involved with the emergency or temporary
15 7 removal that are filed with the court and upon which any
15 8 decision may be based. The reports shall include all of the
15 9 following information, when available:

15 10 (1) The name of each agency.

15 11 (2) The names of agency administrators and professionals
15 12 involved in the removal.

15 13 (3) A description of the emergency justifying the removal
15 14 of the child.

15 15 (4) All observations made and actions taken by the agency.

15 16 (5) The date, time, and place of each such action.

15 17 (6) The signatures of all agency personnel involved.

15 18 (7) A statement of the specific actions taken and to be
15 19 taken by each involved agency to effectuate the safe return of
15 20 the child to the custody of the child's parent or Indian
15 21 custodian.

15 22 4. An emergency removal or placement of an Indian child
15 23 shall immediately terminate, and any court order approving the
15 24 removal or placement shall be vacated, when the removal or
15 25 placement is no longer necessary to prevent imminent physical
15 26 damage or harm to the child. In no case shall an emergency
15 27 removal or placement order remain in effect for more than
15 28 fifteen days unless, upon a showing that continuation of the
15 29 order is necessary to prevent imminent physical damage or harm
15 30 to the child, the court extends the order for a period not to
15 31 exceed an additional thirty days. If the Indian child's tribe
15 32 has been identified, the court shall notify the tribe of the
15 33 date and time of any hearing scheduled to determine whether to
15 34 extend an emergency removal or placement order.

15 35 5. Upon termination of the emergency removal or placement
16 1 order, the child shall immediately be returned to the custody
16 2 of the child's parent or Indian custodian unless any of the
16 3 following circumstances exist:

16 4 a. The child is transferred to the jurisdiction of the
16 5 child's tribe.

16 6 b. In an involuntary foster care placement proceeding
16 7 pursuant to the federal Indian Child Welfare Act, the court
16 8 orders that the child shall be placed in foster care upon a
16 9 determination, supported by clear and convincing evidence,
16 10 including testimony by qualified expert witnesses, that
16 11 custody of the child by the child's parent or Indian custodian
16 12 is likely to result in serious emotional or physical damage to
16 13 the child.

16 14 c. The child's parent or Indian custodian voluntarily
16 15 consents to the foster care placement of the child pursuant to
16 16 the provisions of the federal Indian Child Welfare Act.

16 17 6. a. Termination of parental rights over an Indian child
16 18 shall not be ordered in the absence of a determination,
16 19 supported by evidence beyond a reasonable doubt, including the

16 20 testimony of qualified expert witnesses, that the continued
16 21 custody of the child by the child's parent or Indian custodian
16 22 is likely to result in serious emotional or physical damage to
16 23 the child.

16 24 b. Foster care placement of an Indian child shall not be
16 25 ordered in the absence of a determination, supported by clear
16 26 and convincing evidence, including the testimony of qualified
16 27 expert witnesses, that the continued custody of the child by
16 28 the child's parent or Indian custodian is likely to result in
16 29 serious emotional or physical damage to the child.

16 30 Sec. 8. NEW SECTION. 232B.7 PARENTAL RIGHTS == VOLUNTARY
16 31 TERMINATION OR FOSTER CARE PLACEMENT.

16 32 1. If an Indian child's parent or Indian custodian
16 33 voluntarily consents to a foster care placement of the child
16 34 or to termination of parental rights, the consent shall not be
16 35 valid unless executed in writing and recorded before a judge
17 1 of a court of competent jurisdiction and accompanied by the
17 2 judge's certificate that the terms and consequences of the
17 3 consent were fully explained in detail and were fully
17 4 understood by the parent or Indian custodian. The court shall
17 5 also certify that either the parent or Indian custodian fully
17 6 understood the explanation in English or that it was
17 7 interpreted into a language that the parent or Indian
17 8 custodian understood. Notwithstanding section 600A.4 or any
17 9 other provision of law, any consent for release of custody
17 10 given prior to, or within ten days after, the birth of the
17 11 Indian child shall not be valid.

17 12 2. An Indian child's parent or Indian custodian may
17 13 withdraw consent to a foster care placement at any time and,
17 14 upon the withdrawal of consent, the child shall be returned to
17 15 the parent or Indian custodian.

17 16 3. In a voluntary proceeding for termination of parental
17 17 rights to, or adoptive placement of, an Indian child, the
17 18 consent of the parent may be withdrawn for any reason at any
17 19 time prior to the entry of a final decree of termination or
17 20 adoption, as the case may be, and the child shall be returned
17 21 to the parent.

17 22 4. After the entry of a final decree of adoption of an
17 23 Indian child, the parent may withdraw consent to the adoption
17 24 upon the grounds that consent was obtained through fraud or
17 25 duress and may petition the court to vacate the decree. Upon
17 26 a finding that such consent was obtained through fraud or
17 27 duress, the court shall vacate the decree and return the child
17 28 to the parent. However, an adoption which has been effective
17 29 for at least two years shall not be invalidated under the
17 30 provisions of this subsection unless otherwise permitted under
17 31 state law.

17 32 Sec. 9. NEW SECTION. 232B.8 RETURN OF CUSTODY ==
17 33 IMPROPER REMOVAL OF CHILD FROM CUSTODY == PROTECTION OF RIGHTS
17 34 OF PARENT OR INDIAN CUSTODIAN.

17 35 1. If a final decree of adoption of an Indian child has
18 1 been vacated or set aside or the adoptive parents voluntarily
18 2 consent to the termination of their parental rights to the
18 3 child, a biological parent or prior Indian custodian may
18 4 petition for return of custody and the court shall grant the
18 5 petition unless there is a showing, in a proceeding subject to
18 6 the provisions of this chapter, that the return of custody is
18 7 not in the best interest of the child.

18 8 2. If an Indian child is removed from a foster care home
18 9 or institution for the purpose of further foster care,
18 10 preadoptive, or adoptive placement, the placement shall be in
18 11 accordance with the provisions of this chapter, except when an
18 12 Indian child is being returned to the parent or Indian
18 13 custodian from whose custody the child was originally removed.

18 14 3. If a petitioner in an Indian child custody proceeding
18 15 before a state court has improperly removed the child from the
18 16 custody of the parent or Indian custodian or has improperly
18 17 retained custody after a visit or other temporary
18 18 relinquishment of custody, the court shall decline
18 19 jurisdiction over the petition and shall immediately return
18 20 the child to the child's parent or Indian custodian unless
18 21 returning the child to the parent or Indian custodian would
18 22 subject the child to a substantial and immediate danger or
18 23 threat of such danger.

18 24 4. If another state or federal law applicable to a child
18 25 custody proceeding held under state or federal law provides a
18 26 higher standard of protection to the rights of the parent or
18 27 Indian custodian of an Indian child than the rights provided
18 28 under this chapter, the court shall apply the higher standard.

18 29 Sec. 10. NEW SECTION. 232B.9 PLACEMENT PREFERENCES.

18 30 1. In any adoptive or other permanent placement of an

18 31 Indian child, preference shall be given to a placement with
18 32 one of the following, in descending priority order:
18 33 a. A member of the Indian child's family.
18 34 b. Other members of the Indian child's tribe.
18 35 c. Another Indian family.
19 1 d. A non-Indian family approved by the Indian child's
19 2 tribe.
19 3 e. A non-Indian family that is committed to enabling the
19 4 child to have extended family visitation and participation in
19 5 the cultural and ceremonial events of the child's tribe.
19 6 2. An emergency removal, foster care, or preadoptive
19 7 placement of an Indian child shall be in the least restrictive
19 8 setting which most approximates a family situation and in
19 9 which the child's special needs, if any, may be met. The
19 10 child shall also be placed within reasonable proximity to the
19 11 child's home, taking into account any special needs of the
19 12 child. In any foster care or preadoptive placement, a
19 13 preference shall be given to the child's placement with one of
19 14 the following in descending priority order:
19 15 a. A member of the child's extended family.
19 16 b. A foster home licensed, approved, or specified by the
19 17 child's tribe.
19 18 c. An Indian foster home licensed or approved by an
19 19 authorized non-Indian licensing authority.
19 20 d. A child foster care agency approved by an Indian tribe
19 21 or operated by an Indian organization which has a program
19 22 suitable to meet the Indian child's needs.
19 23 e. A non-Indian child foster care agency approved by the
19 24 child's tribe.
19 25 f. A non-Indian family committed to enabling the child to
19 26 have extended family visitation and participation in the
19 27 cultural and ceremonial events of the child's tribe.
19 28 3. To the greatest possible extent, a placement made in
19 29 accordance with subsection 1 or 2 shall be made in the best
19 30 interest of the child.
19 31 4. An adoptive placement of an Indian child shall not be
19 32 ordered in the absence of a determination, supported by clear
19 33 and convincing evidence including the testimony of qualified
19 34 expert witnesses, that the placement of the child is in the
19 35 best interest of the child.
20 1 5. Notwithstanding the placement preferences listed in
20 2 subsections 1 and 2, if a different order of placement
20 3 preference is established by the child's tribe or in a binding
20 4 agreement between the child's tribe and the state entered into
20 5 pursuant to section 232B.11, the court or agency effecting the
20 6 placement shall follow the order of preference established by
20 7 the tribe or in the agreement.
20 8 6. As appropriate, the placement preference of the Indian
20 9 child or parent shall be considered. In applying the
20 10 preferences, a consenting parent's request for anonymity shall
20 11 also be given weight by the court or agency effecting the
20 12 placement. Unless there is clear and convincing evidence that
20 13 placement within the order of preference applicable under
20 14 subsection 1, 2, or 5 would be harmful to the Indian child,
20 15 consideration of the preference of the Indian child or parent
20 16 or a parent's request for anonymity shall not be a basis for
20 17 placing an Indian child outside of the applicable order of
20 18 preference.
20 19 7. The prevailing social and cultural standards of the
20 20 Indian community in which the parent or extended family
20 21 members of an Indian child reside, or with which such parent
20 22 or extended family members maintain social and cultural ties,
20 23 or the prevailing social and cultural standards of the Indian
20 24 child's tribe shall be applied in qualifying any placement
20 25 having a preference under this section. A determination of
20 26 the applicable prevailing social and cultural standards shall
20 27 be confirmed by the testimony or other documented support of
20 28 qualified expert witnesses.
20 29 8. A record of each foster care placement, emergency
20 30 removal, preadoptive placement, or adoptive placement of an
20 31 Indian child, under the laws of this state, shall be
20 32 maintained in perpetuity by the department of human services
20 33 in accordance with section 232B.13. The record shall document
20 34 the active efforts to comply with the applicable order of
20 35 preference specified in this section.
21 1 9. The state of Iowa recognizes the authority of Indian
21 2 tribes to license foster homes and to license agencies to
21 3 receive children for control, care, and maintenance outside of
21 4 the children's own homes, or to place, receive, arrange the
21 5 placement of, or assist in the placement of children for
21 6 foster care or adoption. The department of human services and

21 7 child=placing agencies licensed under chapter 238 may place
21 8 children in foster homes and facilities licensed by an Indian
21 9 tribe.

21 10 Sec. 11. NEW SECTION. 232B.10 TRIBALLY RECOGNIZED EXPERT
21 11 WITNESSES == STANDARD OF PROOF == CHANGE OF PLACEMENT.

21 12 1. For the purposes of this section, unless the context
21 13 otherwise requires, a "qualified expert witness" may include,
21 14 but is not limited to, a social worker, sociologist,
21 15 physician, psychologist, traditional tribal therapist and
21 16 healer, spiritual leader, historian, or elder.

21 17 2. In considering whether to involuntarily place an Indian
21 18 child in foster care or to terminate the parental rights of
21 19 the parent of an Indian child, the court shall require that
21 20 qualified expert witnesses with specific knowledge of the
21 21 child's Indian tribe testify regarding that tribe's family
21 22 organization and child=rearing practices, and regarding
21 23 whether the tribe's culture, customs, and laws would support
21 24 the placement of the child in foster care or the termination
21 25 of parental rights on the grounds that continued custody of
21 26 the child by the parent or Indian custodian is likely to
21 27 result in serious emotional or physical damage to the child.

21 28 3. In the following descending order of preference, a
21 29 qualified expert witness is a person who is one of the
21 30 following:

21 31 a. A member of the child's Indian tribe who is recognized
21 32 by the child's tribal community as knowledgeable regarding
21 33 tribal customs as the customs pertain to family organization
21 34 or child=rearing practices.

21 35 b. A member of another tribe who is formally recognized by
22 1 the Indian child's tribe as having the knowledge to be a
22 2 qualified expert witness.

22 3 c. A layperson having substantial experience in the
22 4 delivery of child and family services to Indians, and
22 5 substantial knowledge of the prevailing social and cultural
22 6 standards and child=rearing practices within the Indian
22 7 child's tribe.

22 8 d. A professional person having substantial education and
22 9 experience in the person's professional specialty and having
22 10 substantial knowledge of the prevailing social and cultural
22 11 standards and child=rearing practices within the Indian
22 12 child's tribe.

22 13 e. A professional person having substantial education and
22 14 experience in the person's professional specialty and having
22 15 extensive knowledge of the customs, traditions, and values of
22 16 the Indian child's tribe as the customs, traditions, and
22 17 values pertain to family organization and child=rearing
22 18 practices. Prior to accepting the testimony of a qualified
22 19 expert witness described in this lettered paragraph, the court
22 20 shall document the efforts made to secure a qualified expert
22 21 witness described in paragraphs "a", "b", "c", and "d". The
22 22 efforts shall include but are not limited to contacting the
22 23 Indian child's tribe's governing body, that tribe's Indian
22 24 Child Welfare Act office, and the tribe's social service
22 25 office.

22 26 Sec. 12. NEW SECTION. 232B.11 AGREEMENTS WITH TRIBES FOR
22 27 CARE AND CUSTODY OF INDIAN CHILDREN.

22 28 1. The director of human services or the director's
22 29 designee shall make a good faith effort to enter into
22 30 agreements with Indian tribes regarding jurisdiction over
22 31 child custody proceedings and the care and custody of Indian
22 32 children whose tribes have land within Iowa, including but not
22 33 limited to the Sac and Fox tribe, the Omaha tribe, the Ponca
22 34 tribe, and the Winnebago tribe, and whose tribes have an
22 35 Indian child who resides in the state of Iowa. An agreement
23 1 shall seek to promote the continued existence and integrity of
23 2 the Indian tribe as a political entity and the vital interest
23 3 of Indian children in securing and maintaining a political,
23 4 cultural, and social relationship with their tribes. An
23 5 agreement shall assure that tribal services and Indian
23 6 organizations or agencies are used to the greatest extent
23 7 practicable in planning and implementing any action pursuant
23 8 to the agreement concerning the care and custody of Indian
23 9 children. If tribal services are not available, an agreement
23 10 shall assure that community services and resources developed
23 11 specifically for Indian families will be used.

23 12 2. If an agreement entered into between the tribe and the
23 13 department of human services pertaining to the funding of
23 14 foster care placements for Indian children conflicts with any
23 15 federal or state law, the state in a timely, good faith manner
23 16 shall agree to amend the agreement in a way that prevents any
23 17 interruption of services to eligible Indian children.

23 18 3. An agreement entered into under this section may be
23 19 revoked by either party by giving one hundred eighty days'
23 20 advance written notice to the other party. The revocation
23 21 shall not affect any action or proceeding over which a court
23 22 has already assumed jurisdiction, unless the agreement
23 23 provides otherwise.

23 24 Sec. 13. NEW SECTION. 232B.12 PAYMENT OF FOSTER CARE
23 25 EXPENSES.

23 26 1. If the department of human services has legal custody
23 27 of an Indian child and that child is placed in foster care
23 28 according to the placement preferences under section 232B.9
23 29 the state shall pay, subject to any applicable federal funding
23 30 limitations and requirements, the cost of the foster care in
23 31 the manner and to the same extent the state pays for foster
23 32 care of non-Indian children, including the administrative and
23 33 training costs associated with the placement. In addition,
23 34 the state shall pay the other costs related to the foster care
23 35 placement of an Indian child as may be provided for in an
24 1 agreement entered into between a tribe and the state.

24 2 2. The department of human services may, subject to any
24 3 applicable federal funding limitations and requirements and
24 4 within funds appropriated for foster care services, purchase
24 5 care for Indian children who are in the custody of a federally
24 6 recognized Indian tribe or tribally licensed child-placing
24 7 agency pursuant to parental consent, tribal court order, or
24 8 state court order; and the purchase of the care is subject to
24 9 the same eligibility standards and rates of support applicable
24 10 to other children for whom the department purchases care.

24 11 Sec. 14. NEW SECTION. 232B.13 RECORDS.

24 12 1. The department of human services shall establish an
24 13 automated database where a permanent record shall be
24 14 maintained of every involuntary or voluntary foster care,
24 15 preadoptive placement, or adoptive placement of an Indian
24 16 child that is ordered by a court of this state and in which
24 17 the department was involved. The automated record shall
24 18 document the active efforts made to comply with the order of
24 19 placement preference specified in section 232B.9. An Indian
24 20 child's placement record shall be maintained in perpetuity by
24 21 the department of human services and shall include but is not
24 22 limited to the name, birthdate, and gender of the Indian
24 23 child, and the location of the local department office that
24 24 maintains the original file and documents containing the
24 25 information listed in subsection 2.

24 26 2. Each county department of human services, state=
24 27 licensed child-placing agency, private attorney, and medical
24 28 facility involved in the involuntary or voluntary foster care
24 29 placement, preadoptive placement, or adoptive placement of an
24 30 Indian child shall maintain in perpetuity a record of the
24 31 placement. The record shall include, but is not limited to,
24 32 all of the following information:

- 24 33 a. The name and tribal affiliation of the child.
- 24 34 b. The location of the child's Indian tribe or tribes.
- 24 35 c. The names and addresses of the child's biological
25 1 parents.
- 25 2 d. The child's certificate of degree of Indian blood.
- 25 3 e. The child's tribal enrollment or other membership
25 4 documentation, if any.
- 25 5 f. The child's medical records.
- 25 6 g. The social and medical history of the child's
25 7 biological family.
- 25 8 h. The names, ages, and gender of the child's siblings.
- 25 9 i. The names, ages, and gender of the child's kinship or
25 10 extended family members.
- 25 11 j. The names and addresses of the child's adoptive
25 12 parents.
- 25 13 k. The identity of any agency having files or information
25 14 relating to the placement.

25 15 1. All reports concerning the child or the child's family,
25 16 including detailed information regarding case plans and other
25 17 efforts to rehabilitate the parents of the child.

25 18 m. A record of efforts made to place the child within and
25 19 outside of the placement preferences under section 232B.9.

25 20 n. A statement of the reason for the final placement
25 21 decision.

25 22 3. If a court orders the foster care, preadoptive
25 23 placement, or adoptive placement of an Indian child, the court
25 24 and any state-licensed child-placing agency involved in the
25 25 placement shall provide the department of human services with
25 26 the records described in subsections 1 and 2.

25 27 4. A record maintained pursuant to this section by the
25 28 department of human services, a county department of human

25 29 services, state=licensed child=placing agency, private
25 30 attorney, or medical facility shall be made available within
25 31 seven days of a request for the record by the Indian child's
25 32 tribe or the secretary of the interior.

25 33 5. Upon the request of an Indian individual who is
25 34 eighteen years of age or older, or upon the request of an
25 35 Indian child's parent, Indian custodian, attorney, guardian ad
26 1 litem, guardian, legal custodian, or caseworker of the Indian
26 2 child, the department of human services, a county department
26 3 of human services, state=licensed child=placing agency,
26 4 private attorney, or medical facility shall provide access to
26 5 the records pertaining to the Indian individual or child
26 6 maintained pursuant to this section. The records shall also
26 7 be made available upon the request of the descendants of the
26 8 Indian individual or child. A record shall be made available
26 9 within seven days of a request for the record by any person
26 10 authorized by this subsection to make the request.

26 11 6. Upon application of an Indian individual who is
26 12 eighteen years of age or older and was the subject of an
26 13 adoptive placement, the court that entered the final decree
26 14 shall inform the individual regarding the individual's tribal
26 15 affiliation and any of the individual's biological parents,
26 16 and shall provide such other information as may be necessary
26 17 to protect any rights arising from the individual's tribal
26 18 affiliation. In addition, the court shall provide the
26 19 individual, through an appropriate order, if necessary, with
26 20 information described in subsection 2 as may be secured from
26 21 the records maintained pursuant to subsection 2.

26 22 7. If a parent of an Indian child wishes to remain
26 23 anonymous, identifying records concerning any such parent
26 24 shall not be released unless necessary to secure, maintain, or
26 25 enforce the Indian child's right to enrollment or membership
26 26 in the child's Indian tribe, for determining a right or
26 27 benefit associated with the enrollment or membership, or for
26 28 determining a right to an inheritance.

26 29 Sec. 15. NEW SECTION. 232B.14 COMPLIANCE.

26 30 1. The department of human services, in consultation with
26 31 Indian tribes, shall establish standards and procedures for
26 32 the department's review of cases subject to this chapter and
26 33 methods for monitoring the department's compliance with
26 34 provisions of the federal Indian Child Welfare Act and this
26 35 chapter. These standards and procedures and the monitoring
27 1 methods shall be integrated into the department's structure
27 2 and plan for the federal government's child and family service
27 3 review process and any program improvement plan resulting from
27 4 that process.

27 5 2. A court of competent jurisdiction shall vacate a court
27 6 order and remand the case for appropriate disposition for any
27 7 of the following violations of this chapter:

27 8 a. Failure to notify an Indian parent, Indian custodian,
27 9 or tribe.

27 10 b. Failure to recognize the jurisdiction of an Indian
27 11 tribe.

27 12 c. Failure, without cause as specified under this chapter,
27 13 to transfer jurisdiction to an Indian tribe appropriately
27 14 seeking transfer.

27 15 d. Failure to give full faith and credit to the public
27 16 acts, records, or judicial proceedings of an Indian tribe.

27 17 e. Failure to allow intervention by an Indian custodian or
27 18 Indian tribe, or if applicable, an extended family member.

27 19 f. Failure to return the child to the child's parent or
27 20 Indian custodian when removal or placement is no longer
27 21 necessary to prevent imminent physical damage or harm.

27 22 g. Failure to provide the testimony of qualified expert
27 23 witnesses as required by this chapter.

27 24 h. Any other violation that is not harmless error,
27 25 including but not limited to a failure to comply with 25
27 26 U.S.C. } 1911, 1912, 1913, 1915, 1916, or 1917.

27 27 3. If a petitioner in an Indian child custody proceeding
27 28 before a state court has improperly removed the child from the
27 29 custody of the child's parent or Indian custodian or has
27 30 improperly retained custody after a visit or other temporary
27 31 relinquishment of custody, the court shall decline
27 32 jurisdiction over the petition and shall immediately return
27 33 the child to the child's parent or Indian custodian unless
27 34 returning the child to the parent or Indian custodian would
27 35 subject the child to a substantial and immediate danger or
28 1 threat of such danger.

28 2 Sec. 16. Section 600.1, Code 2003, is amended by adding
28 3 the following new unnumbered paragraph:

28 4 NEW UNNUMBERED PARAGRAPH. If a proceeding held under this

28 5 chapter involves an Indian child as defined in section 232B.3
28 6 and the proceeding is subject to the Iowa Indian child welfare
28 7 Act under chapter 232B, the proceeding and other actions taken
28 8 in connection with the proceeding or this chapter shall comply
28 9 with chapter 232B. In any proceeding held or action taken
28 10 under this chapter involving an Indian child, the applicable
28 11 requirements of the federal Adoption and Safe Families Act of
28 12 1999, Pub. L. No. 105=89, shall be applied to the proceeding
28 13 or action in a manner that complies with chapter 232B and the
28 14 federal Indian Child Welfare Act, Pub. L. No. 95=608.

28 15 Sec. 17. Section 600A.3, Code 2003, is amended by adding
28 16 the following new unnumbered paragraph:

28 17 NEW UNNUMBERED PARAGRAPH. If a proceeding held under this
28 18 chapter involves an Indian child as defined in section 232B.3
28 19 and the proceeding is subject to the Iowa Indian child welfare
28 20 Act under chapter 232B, the proceeding and other actions taken
28 21 in connection with the proceeding or this chapter shall comply
28 22 with chapter 232B. In any proceeding held or action taken
28 23 under this chapter involving an Indian child, the applicable
28 24 requirements of the federal Adoption and Safe Families Act of
28 25 1999, Pub. L. No. 105=89, shall be applied to the proceeding
28 26 or action in a manner that complies with chapter 232B and the
28 27 federal Indian Child Welfare Act, Pub. L. No. 95=608.

28 28 Sec. 18. COMPLIANCE ACTIVITIES. The initial review of
28 29 compliance with the requirements of chapter 232B made pursuant
28 30 to section 232B.14, as enacted by this Act, shall be completed
28 31 by June 30, 2004.

28 32 SF 354
28 33 jp/cc/26